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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/725,769	11/30/2000	Robert J. Schloss	YOR9-2000-0623 US1	1653
30743	7590	11/19/2003	EXAMINER	
WHITHAM, CURTIS & CHRISTOFFERSON, P.C. 11491 SUNSET HILLS ROAD SUITE 340 RESTON, VA 20190			MELWANI, DINESH	
			ART UNIT	PAPER NUMBER
			3677	

DATE MAILED: 11/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/725,769

Applicant(s)

SCHLOSS, ROBERT J.

Examiner

Dinesh N Melwani

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) 15-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-14 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

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### **DETAILED ACTION**

Acknowledgement is made of Applicant's submission of:

Change of Address filed on 09/19/02

The aforementioned item has been noted and officially inserted into the application.

#### ***Election/Restrictions***

1. Claims 15-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim.

Applicant timely traversed the restriction (election) requirement in Paper No. 6.

2. Applicant's election with traverse of the invention of Group I (Claims 1-14 and 32) in Paper No. 6 is acknowledged. However, the Applicant has merely indicated traversal and has failed to provide arguments supporting said alleged traversal. Consequently, the Examiner is unable to respond to the traversal and the requirement is still deemed proper and is therefore made **FINAL**.

#### ***Drawings***

3. The drawings were received on 3/02/01. These drawings are **Approved**.

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***Claim Objections***

4. Claim 12 is objected to because of the following informalities: Syntax error in lines 2-3. Appropriate correction is required. It is unclear as to what the Applicant intends to claim by the following phrase: "said insurer is unable to desired information...".

***Claim Rejections - 35 USC § 101***

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 1-14 and 31 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 1 fails to include any form of technology in the claim limitations. The Examiner directs the Applicants attention to MPEP §2106.

***Claim Rejections - 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1-14 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Kansal (U.S. Pub. No. US 2002/0055900 A1). Kansal discloses a method for insuring a buyer in the purchase of goods or services, wherein said method comprises receiving a quote request from a

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buyer, said quote request requesting an insurer to consider reimbursing said buyer for economic damage resulting from said buyer buying good or services from a seller, see paragraphs 34-36; assessing risks of insuring the buyer for reimbursement of said economic damage based on information about said seller, see paragraphs 12-13; deciding whether to offer said buyer an insurance policy which at least partially reimburses said buyer for said economic damages on a risk assessment, see paragraphs 12-13. In regards to claim 2, Kansal further includes transmitting said quote request from said buyer to said insurer over a network, see paragraph 34. As it concerns claims 3 and 7, Kansal's quote request includes information which describes the goods or services and wherein the risk assessment is performed based also on said information, see paragraph 12. In regards to claim 4, said information is transmitted by said buyer to said seller in machine-readable form over a network, see paragraph 34. As it concerns claim 5, said risk assessment is expressed as a rating which provides an indication of whether insuring said buyer is one of a low risk or high risk to said insurer, see paragraph 13. Regarding claim 6, if said insurer decided to offer said insurance policy, said method further comprises computing an amount of reimbursement of said buyer based on the risk assessment, see Table 1. In regards to claims 8 and 14, Kansal maintains a database of information of said seller; updating said seller database bases on a history of said seller in providing said goods or services; and performing a risk assessment, see paragraph 12. As it concerns claim 9, Kansal computes an indicator and assigns it a particular vendor, see paragraph 13. In regards to claim 10, Kansal locates a dependency of said buyer on other sellers (see Table 1); and makes a recommendation to said seller of reducing reliance of said buyer on said other sellers based on said dependency, see paragraph 12. As it concerns claim 11, Kansal discloses said method is performed by a computer

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program, see Fig. 7. In regards to claim 12, Kansal's method further comprises deciding not to extend an offer to said buyer, see Table 1 (Vendor 2). As it concerns claim 13, Kansal's method of underwriting/insuring a buyer includes reimbursing said buyer for economic damage resulting from said buyer buying goods or services from a seller that would not have been sustained had a current supplier been used instead.

### *Conclusion*


9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Berg *et al.* (U.S. Pub. No. US 2002/0188481), Sklarz *et al.* (U.S. Patent No. U.S. Pub. No. US 2002/0087389), and Korolev *et al.* (U.S. Patent No. 6,438,539) substantially disclose the present invention as claimed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dinesh N Melwani whose telephone number is 703-305-4546. The examiner can normally be reached on M-F, 8:30-6 except every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on 703-306-4115. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4115.

DNM

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

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